

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

KEITH FISCHER, MICHAEL O’SULLIVAN,
JOHN MOESER, LOUIS PIA, THOMAS
BARDEN, CONSTANCE MANGAN, and
CHARISE JONES, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

GOVERNMENT EMPLOYEES INSURANCE
COMPANY,

Defendant.

Case No. 2:23-CV-02848 (GRB) (ARL)

**[PROPOSED] JOINT STIPULATION TO
EXTEND PHASE I DISCOVERY**

Plaintiffs Keith Fischer, Michael O’Sullivan, John Moeser, Louis Pia, Thomas Barden, Constance Mangan, and Charise Jones (collectively, “Plaintiffs”), and Defendant Government Employees Insurance Company (“Defendant”), by and through their attorneys of record, agree and stipulate as follows:

WHEREAS, the parties’ Amended Pre-Trial Scheduling Order and Stipulation entered by the Court provides that the parties will conduct merits discovery with respect to named plaintiffs and any of the 26 opt-in plaintiffs who reside in New York through January 13, 2025 (ECF Nos. 73, 74);

WHEREAS, the Court, following a hearing on Defendant’s Letter Motion Regarding the Depositions of Opt-In Plaintiffs (ECF No. 75) and Plaintiffs’ Letter Motion to Compel Defendant to Designate a 30(b)(6) Witness (ECF No. 76), entered a Minute Order on October 15, 2024 that, *inter alia*, allowed Defendant to depose nine Opt-In Plaintiffs during Phase I discovery;

WHEREAS, Defendant re-noticed the depositions of nine Opt-In Plaintiffs on November 22, 2024;

WHEREAS, Plaintiffs have produced witnesses or scheduled depositions for eight out of nine Opt-In Plaintiffs noticed for deposition, two of which fall outside the current discovery cutoff;

WHEREAS, Defendant has taken certain noticed Opt-In Plaintiff depositions;

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, through their

respective counsel, that:

1. Opt-In Plaintiff Michael Grey will appear for his deposition on January 22, 2025;
2. Opt-In Plaintiff Al Brust will appear for his deposition on January 15, 2025;
3. Opt-In Plaintiff Louis Caniglia Jr. will appear for his deposition on January 17, 2025;
4. The parties reserve all rights and remedies as to Opt-In Plaintiff Ted Wendling's failure to appear for his deposition;
5. The deadline to complete Phase I discovery will be extended to January 23, 2025, for the purpose of completing the depositions of Opt-In Plaintiffs Grey, Caniglia, and Brust;
6. The briefing deadlines for Plaintiffs' anticipated motion for class certification are extended as follows, with all briefing to be filed by Plaintiffs according to the Court's "bundling rule" on the date of the last submission:
 - a. Plaintiffs' motion: extended from February 12, 2025 to February 26, 2025;
 - b. Defendant's opposition: extended from March 14, 2025 to March 28, 2025;
 - c. Plaintiffs' reply: extended from April 4, 2025 to April 18, 2025; and
7. All other deadlines in the parties' Amended Pre-Trial Scheduling Order (ECF No. 73), which was approved and entered by the Court (ECF No. 74), remain unchanged.

Dated: New York, New York
January 13, 2025

By:

/s/ Michael J. Scimone
Michael J. Scimone

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SO ORDERED:

Hon. Steven Tiscione
United States Magistrate Judge